

HONORABLE JUDGE ROBERT J. BRYAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

C. P., by and through his parents,
Patricia Pritchard and Nolle Pritchard;
and PATRICIA PRITCHARD,

Plaintiff,

vs.

BLUE CROSS BLUE SHIELD OF
ILLINOIS,

Defendants.

Case No. 3:20-cv-06145-RJB

**STIPULATED MOTION IN RESPONSE TO
ORDER STAYING CASE (DKT. 171)**

On April 17, 2023 this Court entered an Order Staying Case (Dkt. 171) (“Stay Order”) and ordered the parties to “notify the Court within 10 days of the Ninth Circuit Court of Appeals’ decision in *Wit*” (Dkt. 171). The Ninth Circuit Court of Appeals issued a decision on August 22, 2023 in *Wit v. United Behavioral Health*, 58 F.4th 1080 (9th Cir. 2023) (attached hereto as Exhibit 1). The Stay Order states, “The parties’ pending motions (Dkts. 153 and 156) should be stricken to be renoted for consideration after a decision in *Wit* is issued, or after this stay is lifted.”

At the time of the Stay Order there were two Motions pending before Court: Plaintiffs’ Motion for Classwide Declaratory and Permanent Injunctive Relief, and Award of Individual Nominal Damages to Named Plaintiffs (Dkt. 153), and Defendant Blue Cross Blue Shield of Illinois’s Motion to Decertify the Class (Dkt. 156).

Parties are requesting that the Court re-note their Motions at Dkts. 153 and 156 on the Court's calendar for October 20, 2023. The Parties have agreed to a briefing schedule on Supplemental Briefing on the effects of *Wit* as follows:

- September 22, 2023 Parties file Supplemental Briefing on the effect of *Wit*;
- October 20, 2023 Parties file Replies in regard to Supplemental Briefing on the effect of *Wit*.

Pursuant to Local rules, parties state they have met and conferred and there are no objections from either party. A proposed order is being submitted with this motion.

DATED: September 1, 2023.

KILPATRICK TOWNSEND & STOCKTON LLP

By s/ Gwendolyn C. Payton
Gwendolyn C. Payton, WSBA No. 26752
gpayton@kilpatricktownsend.com
Address: 1420 5th Avenue, Suite 3700
Seattle, WA 98101
Telephone: 206.467.9600
Fax: 206.623.6793

*Counsel for Defendant Blue Cross and Blue Shield
of Illinois*

**SIRIANNI YOUTZ SPOONEMORE
HAMBURGER, PLLC**

By /s/ Eleanor Hamburger
Eleanor Hamburger, WSBA No. 26478
ehamburger@sylaw.com
Address: 3101 Western Avenue, Suite 350
Seattle, WA 98121
Telephone: 206.223.0303
Fax: 206.223.0246

**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC**

By s/ Omar Gonzalez-Pagan
Jennifer C Pizer, (Pro Hac Vice)
Omar Gonzalez-Pagan (Pro Hac Vice)
jpizer@lambdalegal.org
ogonzalez-pagan@lambdalegal.org

*Counsel for Plaintiffs C. P., by and through his
parents, Patricia Pritchard and Nolle Pritchard;
and PATRICIA PRITCHARD*

CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys of record:

Eleanor Hamburger
SIRIANNI YOUTZ SPOONEMORE HAMBURGER
3101 WESTERN AVENUE STE 350
SEATTLE, WA 98121
206-223-0303
Fax: 206-223-0246
Email: ehamburger@sylaw.com

Jennifer C Pizer
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC
4221 WILSHIRE BLVD., STE 280
LOS ANGELES, CA 90010
213-382-7600
Email: jpizer@lambdalegal.org

Omar Gonzalez-Pagan
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. (NY)
120 WALL STREET
19TH FLOOR
NEW YORK, NY 10005
212-809-8585
Email: ogonzalez-pagan@lambdalegal.org

DATED this 1st day of September, 2023.

Kilpatrick, Townsend & Stockton LLP

By: /s/ Gwendolyn C. Payton
Gwendolyn C. Payton, WSBA #26752
gpayton@kilpatricktownsend.com

Counsel for Defendant Blue Cross and Blue Shield of Illinois